

PROCEEDING MEMO

Date: 08/05/2020 10:00 am

In re: Barry R. Henderson

**Bankruptcy No. 15-20353-CMB
Chapter: 13
Doc. # 109**

Telephonic Appearances: Winnecour, White, Ebeck, Song

Nature of Proceeding: #108 Objection to Notice of Mortgage Payment Change

Additional Pleadings: Certificate of Service; #110 CNO

Judge's Notes:

- White: Hoped to have counsel for Carrington present. Trying to get escrow corrected. This payment change was filed at end of case to collect post-petition taxes which mortgage co. agreed to pay. After paid taxes, agreed that mortgage and escrow were current. Then filed this notice indicating escrow was not current. This was done at the end of the case and that's why asked for sanctions and fees. This appears to frustrate the closing of the case and the prior order. Concern is will have to reopen the case in future to enforce prior orders.
- Neither Attorney Ebeck nor Attorney Song have been retained to represent mortgage company in this matter, but both were present at hearings today.
- Ebeck: Was counsel on original objection and worked with Attorney White to resolve tax issue. When this issue came up, her office was not retained to handle it.
- Song: Also reached out to client to see if client wanted his office to file a response but not retained. Did receive an email this morning advising that an amended notice was filed this morning and that counsel was trying to reach Attorney White.
- Attorney Winnecour confirmed that a notice of mortgage payment change was filed this morning.
- Creditor should be on notice that Attorney White is running up fees - has been on the phone all this time and now a last-minute filing. If this is resolved, Attorney White should be paid for his time. Further, creditor needs to determine who will be retained to handle this matter and understand that switching counsel is not an excuse.
- Attorneys Ebeck and Song both indicated that they will communicate the information to the creditor.

OUTCOME:

- Two matters set for hearing today, the Objection to Notice of Mortgage Payment Change and Trustee's Motion for Discharge. Both matters are continued to 9/9/20 at 10am.
- If a consent order is filed on the Objection to Notice of Mortgage Payment Change, then likely will grant it and then Court can enter order on Motion for Discharge.

**FILED
8/5/20 2:25 pm
CLERK
U.S. BANKRUPTCY
COURT - WDPA**

**Carlota M. Böhm
Chief U.S. Bankruptcy Judge**

In re:
Barry R. Henderson
DebtorCase No. 15-20353-CMB
Chapter 13**CERTIFICATE OF NOTICE**

District/off: 0315-2

User: dsaw
Form ID: pdf900Page 1 of 1
Total Noticed: 1

Date Rcvd: Aug 05, 2020

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Aug 07, 2020.

db +Barry R. Henderson, 535 Breakiron Road Extension, Connellsville, PA 15425-6345

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
NONE.

TOTAL: 0

***** BYPASSED RECIPIENTS *****

NONE.

TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Aug 07, 2020

Signature: /s/Joseph Speetjens**CM/ECF NOTICE OF ELECTRONIC FILING**

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on August 5, 2020 at the address(es) listed below:

Celine P. DerKrikorian on behalf of Creditor Bayview Loan Servicing, LLC, a Delaware Limited Liability Company ecfmail@mwc-law.com
 Daniel R. White on behalf of Debtor Barry R. Henderson zmwchapter13@gmail.com, gianna@zeblaw.com;sheila@zeblaw.com;r63228@notify.bestcase.com
 James Warmbrodt on behalf of Creditor Wilmington Savings Fund Society FSB as trustee of Stanwich Mortgage Loan Trust A bkgroup@kmllawgroup.com
 Jerome B. Blank on behalf of Creditor Wilmington Savings Fund Society FSB as trustee of Stanwich Mortgage Loan Trust A pawb@fedphe.com
 Joseph A. Dessoye on behalf of Creditor CLEARSPRING LOAN SERVICES, INC. pawb@fedphe.com
 Keri P. Ebeck on behalf of Creditor Carrington Mortgage Services, LLC, servicing agent on behalf of Wilmington Savings Fund Society, FSB, as trustee of Stanwich Mortgage Loan Trust A, its assignees and/or successors in interest, kebeck@bernsteinlaw.com, jbluemle@bernsteinlaw.com
 Keri P. Ebeck on behalf of Creditor Wilmington Savings Fund Society FSB as trustee of Stanwich Mortgage Loan Trust A kebeck@bernsteinlaw.com, jbluemle@bernsteinlaw.com
 Mario J. Hanyon on behalf of Creditor Wilmington Savings Fund Society FSB as trustee of Stanwich Mortgage Loan Trust A pawb@fedphe.com
 Office of the United States Trustee ustpregion03.pi.ecf@usdoj.gov
 Ronda J. Winneccour cmecf@chapter13trusteeewdpa.com
 Thomas Song on behalf of Creditor Trifera, LLC pawb@fedphe.com

TOTAL: 11